



arise from allowing the material to be used at Trial, or on a Motion; and, (4) the availability of a continuance to cure such prejudice. See *Citizens Bank v. Ford Motor Co.*, 16 F.3d 965, 966 (8th Cir.1994). Here, Here, plaintiffs meet both criteria for avoiding the imposition of sanctions. The Court finds that Plaintiffs meet both criteria for avoiding the imposition of sanctions. Defendants' Motion (Doc. 53) is therefore **DENIED**.

Defendants request in their Reply (Doc. 62) that if the abovementioned Motion (Doc. 53) is denied that the trial setting be continued and that a new scheduling order be entered in the case. The parties are hereby **ORDERED** to submit an amended scheduling order within 15 days of this Order.

**IT IS SO ORDERED.**

Dated: January 12, 2021

/s/ Douglas Harpool  
**DOUGLAS HARPOOL**  
**United States District Judge**